

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 02 2006

FRANCISCO J. SANTANA;
MARIA L. ESPARZA,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-72394

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

Agency Nos. A76-857-481
A76-857-480

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006**

Before: ALARCÓN, HAWKINS and THOMAS, Circuit Judges.

Francisco J. Santana and Maria L. Esparza, natives and citizens of Mexico,
petition for review of the Board of Immigration Appeals' ("BIA") order

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

dismissing their appeal from an immigration judge's decision denying their applications for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the BIA's discretionary determination that the petitioners failed to show exceptional and extremely unusual hardship. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 929 (9th Cir. 2005).

The petitioners' contentions that the agency failed to consider all the factors relevant to their case, disregarded testimony regarding hardship to Esparza's United States Citizen mother, and misapplied the law to the facts of their case, do not state colorable due process claims. *See id.* 930 (“[t]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction.”); *see also Sanchez-Cruz v. INS*, 255 F.3d 775, 779 (9th Cir. 2001) (holding that the “misapplication of case law” may not be reviewed).

PETITION FOR REVIEW DISMISSED.